

# **STATE PROPERTIES COMMITTEE MEETING**

**TUESDAY, OCTOBER 28, 2008**

The meeting of the State Properties Committee was called to order at 10:04 a.m. by Chairman Kevin M. Flynn. Other members present were Richard Woolley representing the Rhode Island Department of Attorney General; Robert Griffith representing the Rhode Island Department of Administration; Others in attendance were Anthony Paolantonio the Rhode Island House of Representatives; Robert C. Bromley from the Rhode Island Senate Fiscal Office; Colleen Kerr from the Rhode Island Department of Transportation; Michael D. Mitchell from the Rhode Island Department of Administration; Todd Tinkham from the Rhode Island Executive Military Staff; David O'Mara from the Rhode Island Army National Guard; Louis Saccoccio and J. Vernon Wyman from the Board of Governors for Higher Education for the University of Rhode Island.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the minutes of the State Properties Committee meeting held on Tuesday, September 30, 2008, by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**Approval of the minutes from the State Properties Committee meeting held on**

**Tuesday, October 14, 2008, is deferred to the next meeting of the State Properties**

**Committee.**

**ITEM A – Office of the Adjutant General – A request was made for approval of and signatures on a Land Lease by and between the Rhode Island Airport Corporation and the Rhode Island Executive Military Staff for exclusive use of a portion of Airport Road for the construction of an Army Aviation Support Facility for the Army National Guard. Chairman Flynn asked Mr. Tinkham to provide the Committee with a brief summary of the subject property as the Rhode Island Executive Military Staff has been before the Committee a several times in the recent past with similar requests. Mr. Tinkham indicated that he was previously before the State Properties Committee on October 14, 2008, seeking approval of a Land Lease for 6.6 acres of land, which was condemned by the Department of Transportation and transferred to the Rhode Island Executive Military Staff. Mr. Tinkham explained that the Army Aviation Support Facility presently occupies a portion of the Quonset State Airport; however, the Army National Guard plans to construct a new Army Aviation Support Facility and additional acreage is needed to meet the aircraft landing standards. Mr. Tinkham explained that the Land Lease before the Committee today is for a portion of Airport Road only. Rhode**

Island Airport Corporation has agreed to lease the subject property to Rhode Island Executive Military Staff for a nominal fee of one dollar for a term of thirty (30) years. The Land Lease will expire in the year 2038. Mr. Woolley asked what the term of the Master Lease Agreement between the Department of Transportation and the Rhode Island Airport Corporation. Neither Mr. Tinkham nor Mr. O'Mara had said information readily available to them. Mr. Woolley expressed concern relative to the alignment of the Rhode Island Airport Corporation's Master Lease with the Department of Transportation and the subject Land Lease. Mr. Woolley indicated his concern is twofold; one, if the Rhode Island Airport Corporation has the ability to lease the subject property for a term of thirty (30) years if its interest in the land is for a term of only twenty (20) years; and two, whether under the statute, the Department of Transportation is permitted to enter into a Lease Agreement for a term which exceeds twenty (20) years. Mr. Woolley indicated that he was did not wish to delay the approval of the subject Land Lease, but asked that this item be tabled to the November 14, 2008, meeting of the State Properties Committee in order to give him an opportunity to research the Master Lease Agreement and consult with legal counsel for the Rhode Island Airport Corporation in order to resolve the aforementioned issues. A motion was made to table this item to the next meeting of the State Properties Committee by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM B – Department of Administration – A request was made for approval of an extension of the Purchase & Sale Contract relative to**

the sale of 72.5± acres of land located behind the Oliver Stedman Government Center in Wakefield. Mr. Mitchell explained that the subject property is currently owned by the Rhode Island Refunding Bond Authority and subject to a Master Lease Agreement back to the State of Rhode Island. The State of Rhode Island has asked the Rhode Island Refunding Bond Authority to retire the bonds concerning the subject property. Apparently, there is some question as to the date of the retirement of said bonds and how much property the bonds involve. Mr. Mitchell indicated that on October 21, 2008, Bond Counsel, Attorney Normand Benoit asked the Department of Administration to obtain a title opinion as to what portion of the Oliver Stedman property is owned subject to the bonds and subject to a Master Lease Agreement back to the State of Rhode Island. Mr. Mitchell indicated that the Department of Administration did not have sufficient time to obtain said title opinion for a closing in October 2008. Therefore, The Conservation Fund has agreed to grant an extension of the Purchase & Sale Contract to December 2, 2008 and Mr. Mitchell is before the Committee today seeking approval of said extension. Chairman Flynn asked if the bonds can be retired prior to December 2, 2008. Mr. Mitchell indicated that according to Attorney Benoit, the bonds can be retired before December 2, 2008. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

**ITEM C – Department of Transportation – A request for approval of and signatures on a Grant of Easement by and between the State of Rhode Island, acting through the Department of Transportation and**

the Narragansett Electric Company for the placement of a new electrical installation to serve the development of a new hanger facility at Quonset State Airport. This item was deferred to next meeting of the State Properties Committee.

**ITEM D – Department of Transportation – A request was made for approval of and signatures on a Permanent Loop Detector Easement Agreement between Killingly Holdings, LLC and the State of Rhode Island, acting through the Department of Transportation in conjunction with the installation of a traffic signal device by the developer in conjunction with an application for physical alteration permit (#070904-A). Ms. Kerr explained that the Easement Agreement is simply to allow the Department of Transportation to access private property in order to maintain and repair the loop inductors in the future. Ms. Kerr indicated that this conveyance is such that no monetary compensation is required. A motion to approve was made by Mr. Griffith and seconded by Mr. Woolley.**

**Passed Unanimously**

**ITEM E – Department of Transportation – A request was made for approval of and signatures on two (2) Permanent Loop Detector Easement Agreements by and between (1) William J. and Elizabeth Gill; and (2) Century Realty Corporation and the State of Rhode Island, acting through the Department of Transportation in conjunction with traffic safety improvements (signalization) along West Main Road in the Town of Middletown. Ms. Kerr indicated that these Easement Agreements will allow the Department of Transportation to access private property in order to maintain and**

repair the loop inductors in the future. Ms. Kerr indicated that this conveyance is such that no monetary compensation is required. A motion was made to approve by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

**ITEM F – Board of Governors/University of Rhode Island – A request was made for approval of and signatures on an Amended Grant of Easement by and between the Board of Governors for Higher Education and South County Post & Beam relating to property located at 530 Liberty Lane in the Town of South Kingstown for purposes of including sewer and gas service. Mr. Saccoccio explained that the document before the Committee is technically a grant of a new easement; although, it is being presented administratively as an Amended Grant of Easement. Mr. Saccoccio indicated that there was an existing waterline easement over the property, which has since been abandoned. Mr. Saccoccio stated that this Grant of Easement involves property owned by the University of Rhode Island located on Liberty Lane together with two (2) additional parcels of land owned by private entities. Mr. Wyman presented a site map illustrating the exact placement of the gas and sewer lines. Mr. Saccoccio indicated that the gas and sewer lines do not in any way adversely impact use of University's property. Mr. Saccoccio noted that the Amended Grant of Easement is the standard form utilized by utility companies. The Amended Grant of Easement contains both an indemnification clause and insurance provision, which stipulates that South County Post & Beam shall maintain**

insurance coverage that protects the University of Rhode Island as well as the State of Rhode Island subject to perpetual review for purposes of identifying the need for increases in said coverage. Mr. Wyman provided a brief summary of the subject property and the request for approval of the Amended Grant of Easement for the Committee. After a discussion concerning access onto the property, a motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

**Passed Unanimously**

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:25 a.m. A motion was made to adjourn by Mr. Griffith and seconded by Mr. Woolley.

**Passed Unanimously**

---

**Holly H. Rhodes, Executive Secretary**